

JOHN W. HUBER, United States Attorney (#7226)
AARON W. FLATER, Assistant United States Attorney (#9458)
Attorneys for the United States of America
Office of the United States Attorney
111 South Main Street, Suite 1800
Salt Lake City, Utah 84111-2176
Telephone: (801) 524-5682

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEBRA FILLMORE,

Defendant.

Case No. 2:17-CR-00453

MOTION TO REDUCE TERM OF
IMPRISONMENT TO TIME SERVED

Judge David Nuffer

COMES NOW the United States of America, by the Director of the Federal Bureau of Prisons and through the undersigned Assistant United States Attorney, and respectfully moves the Court pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), to modify the defendant's term of imprisonment to time served. In support hereof, the United States and the Director of the Federal Bureau of Prisons state as follows:

1. Defendant Debra Fillmore pleaded guilty to violating 21 U.S.C. §§ 841(a)(1) and (b)(1)(B), Possession of Methamphetamine with Intent to Distribute.
2. On December 20, 2017, Ms. Fillmore was sentenced to 60 months of imprisonment with 48 months of supervised release.
3. Ms. Fillmore has a projected good conduct time release date of October 20, 2021.

4. Ms. Fillmore plans to live with her mother in Salt Lake City, Utah. The United States Probation Office for the District of Utah has approved the release plan.

5. Ms. Fillmore has been diagnosed with stage 4 lung cancer, metastatic right frontal lobe brain tumor, and superior vena cava syndrome due to the mediastinal mass. She is receiving palliative radiation and weekly chemotherapy. She also uses a walker and a wheelchair. Although she remains independent with her activities of daily living (ADLs) and instrumental ADLs, she has begun requiring intermittent assistance and will likely require greater assistance as her disease progresses. Her condition is considered terminal with a grave prognosis despite treatment and a life expectancy of 12 months or less.

WHEREFORE, it is respectfully requested that the Court reduce the term of imprisonment to the time the defendant has now served. Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), the Court, upon motion of the Director of the Federal Bureau of Prisons, may modify a term of imprisonment upon the finding that “extraordinary and compelling reasons” exist to warrant a reduction. The defendant’s terminal medical condition and limited life expectancy constitute “extraordinary and compelling reasons” warranting the requested reduction. The defendant would not, however, be subject to complete release, as she would begin serving the 48-month term of supervised release previously imposed by the Court.

Respectfully submitted,

John W. Huber
United States Attorney

By: /s/
Aaron W. Flater
Assistant United States Attorney